

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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 P.O. Box 1450  
 Alexandria, VA 22313-1450

Re: Inventor(s): James M. Cleaves et al.  
 Title: OPTIMIZATION OF CRITICAL DIMENSIONS AND PITCH OF PATTERNED FEATURES IN AND ABOVE A SUBSTRATE  
 Serial No.: 10/728,437  
 Filed: December 5, 2003  
 Examiner: Monica Lewis  
 Group Art Unit: 2822

Transmitted herewith is:

- ☒ Response to Notice of Drawing Inconsistency with Specification
- ☒ Replacement Drawings (13 sheets)
- ☒ Copy of Notice of Drawing Inconsistency

FEE CALCULATION					
Fee Items	Highest No. of claims previously paid	Present No. of claims filed	Extra Claims	Fee Rate	Total
Total Claims				X \$50.00	\$0.00
Independent Claims				X \$210.00	\$0.00
Basic Filing Fee				\$1030.00	PAID
TOTAL FEES					\$0.00

— The Commissioner is hereby authorized to charge \$0.00 to Deposit Account No. 04-1696.

☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 04-1696.

☒ Please address all future correspondence to: **Customer # 67463**

Dated: August 6, 2008

Respectfully submitted,



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## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,437	12/05/2003	James M. Cleaves	SD-MA-110	9392
7590 07/07/2008 DUGAN & DUGAN, PC 245 Saw Mill River Road Suite 309 Hawthorne, NY 10532			EXAMINER LEWIS, MONICA	
			ART UNIT 2822	PAPER NUMBER
			MAIL DATE 07/07/2008	DELIVERY MODE PAPER

## NOTICE OF DRAWING INCONSISTENCY WITH SPECIFICATION

The drawings filed 5-24-06 have been received. However, an inconsistency exists between the drawings and the Brief Description of the Drawings in the specification.

Figures \_\_\_\_\_ are listed in the Brief Description of the Drawings in the specification but not contained in the Drawings.

Figures 11, 12, 13 are contained in the Drawings but not listed in the Brief Description of the Drawings in the specification.

Applicant is required to correct the above-noted inconsistency within a time period of **ONE MONTH or THIRTY (30) DAYS, whichever is longer**, from the mailing date of this Notice, or within the time remaining in the time period set forth in the Notice of Allowability (Form PTOL-37) to file corrected drawings, whichever is longer. **NO EXTENSION OF THIS TIME PERIOD MAY BE GRANTED UNDER EITHER 37 CFR 1.136 (a) OR (b).**

Failure to correct the above noted inconsistency will result in abandonment of the application.

The file will be held in the Publishing Division to await the correction of the inconsistency.

**Return Corrected Drawings/Specification to:**

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571-272-4200 or 1-888-786-0101

Application Assistance Unit  
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In preparation of a patent for issuance as a patent grant, if the Office of Patent Publication discovers an error in the text, or drawings of a patent application, including any missing text, or an inconsistency between the drawings and the application papers, the Office of Patent Publication may require an appropriate amendment to the specification or drawings. 37 CFR 1.312, however, does not permit an amendment after the payment of the issue fee without withdrawal of the application from issue.

In order to be able to accept such an amendment as may be required without having to withdraw an application from issue, the Office of Patent Publication is hereby delegated the authority to waive the requirement of 37 CFR 1.312 and accept an amendment filed after the payment of the issue fee.

For information on this notice, contact the Office of Patent Publication at (703) 305-8263.

Date: 2/24/2004

Signed: /s/

Stephen G. Kunin  
Deputy Commissioner for  
Patent Examination Policy

**KEY:** =online business system =fees =forms =help =laws/regulations =definition  
(glossary)

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